

16 CR 282

5-7-2018

Hon Robert F. Reiss Jr.

My name is Cody Childers (aka 16 CR 282). I am currently attempting to research my criminal case for a possible future filing. My attorney Jerry Seng has been totally uncooperative in response to basic requests for legal materials. As noted in the enclosed exhibit, Mr. Seng has misrepresented federal rules of criminal procedure, offered to disclose privileged materials to a third party, disclosed a PST to a BOP facility in violation of security procedures, and changed his story as to the reason for his refusal to disclose discovery.

Please, respectfully file these documents under my criminal docket as they may be required for the record of a future ineffective assistance of counsel claim.

Thank you for your time

RECEIVED

MAY 24 2018

CLERK
U.S. DISTRICT COURT

Respectfully

Cody Childers

Cody Childers 29702047

FBI-Pekin

P.O. Box 5000

Pekin, IL 61555-5000



Erica Thorne <ericathorne35@gmail.com>

codys letter

4 messages

Erica Thorne <ericathorne35@gmail.com>

Wed, Jan 17, 2018 at 3:41 PM

To: Jerry Sena <jjs@spsattorneys.com>

have you reived codys email and are you going to send what he requested

Jerry Sena <jjs@spsattorneys.com>

Wed, Jan 17, 2018 at 7:44 PM

To: Erica Thorne <ericathorne35@gmail.com>

I did, Unfortunately the Federal Rules of discovery do not allow me to provide discovery to anyone including Cody.

Jerry J. Sena, Esq.
SENA, POLK & STACY, LLP
LAW PARTNERS
2712 South 87th Avenue
Omaha, NE 68124-3035
(402) 884-7444
Fax (402) 884-7443

SPSattorneys.com
Facebook

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On Wed, Jan 17, 2018 at 3:41 PM, Erica Thorne <ericathorne35@gmail.com> wrote:

| have you reived codys email and are you going to send what he requested

Erica Thorne <ericathorne35@gmail.com>

Thu, Jan 18, 2018 at 11:36 AM

To: Jerry Sena <jjs@spsattorneys.com>

That just doesnt make any sense to me as Cody should have the right to see that. He never has seen it. We are working with some people to try to get his time reduced. So another lawyer could get them right?

[Quoted text hidden]

Jerry Sena <jjs@spsattorneys.com>

Thu, Jan 18, 2018 at 12:55 PM

To: Erica Thorne <ericathorne35@gmail.com>

He can get it through his attorney or if he's representing himself, he can get them from the US Attorney's office himself.

Jerry J. Sena, Esq.
SENA, POLK & STACY, LLP
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2712 South 87th Avenue
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[Quoted text hidden]

ex 2 ps 1 of 1

2-28-2018

To: Jerry J. Seng
Seng, Polk & Stacy, LLP
Law Partners
2712 South 87th Avenue
Omaha, NE 68124-2035

CC: Law Firm Partners.

I have previously requested copies of all of my Discovery from my Federal Criminal Case, minus my PSI and materials covered under Title 18 § 3509(a) U.S.C. In an email you sent to my mother Jan 17, 2018 at 7:44 PM you state the following in reply to my mother questioning you of my discovery request:

"I did, Unfortunately the Federal Rules of Discovery do not allow me to provide discovery to anyone including Cody."

Where is that restriction in Rule 16 of Fed. R. Crim. Pro.? This quote is a flat out misrepresentation of the law. I would like copies of all my discovery immediately.

If I have not received copies of my discovery to aid in Constitutional filings in 30 days from the date of this letter, I will assume you wish to continue intentionally misrepresenting the law and forward copies of this email to the Nebraska Bar Association and the Federal Courts.

Thank you for your time.

Respectfully

Cody Childers

Federal Correctional Institute - Pekin
P.O. Box 5000
Pekin, IL 61555-5000

ex 3 p 1 of 1



Erica Thorne <ericathorne35@gmail.com>

Discovery

Jerry Sena <sena@senapolk.com>

Mon, Mar 26, 2018 at 1:00 PM

To: Erica Thorne <ericathorne35@gmail.com>

As long as he authorizes me to, I will send everything to him as legal mail. But there is no way I can print out all the documents on these drives. Either that or pay for my legal assistant to prep it all. I can give it to you to take to kinkos and print it all out then I can mail it.

Jerry J. Sena, Esq
SENA, POLK & STACY, LLP
ATTORNEYS AT LAW
2712 S 87th Avenue
Omaha, Ne 68124
tel. 402-884-7444
[Quoted text hidden]

Sena, Polk & Stacy, LLP.

LAW PARTNERS

Cy 1 ps 1cf1

Jerry J. Sena, PC, LLO
Michael F. Polk, LLC
Joan Watke Stacy, PC, LLO

Jerry J. Sena, PC, LLO
JJS@SPSattorneys.com

May 1, 2018

Cody Childers
#29702047
Federal Correctional Institution
P.O. BOX 5000
Pekin, IL 61555

Cody Childers request for Discovery Documents

Dear Cody,

Pursuant to your request for your discovery, and after inquiry and research into what I can release to you, I have prepared the enclosed documents.

- 1) Letter from U.S. Attorney's office regarding release and treatment of Discovery, November 17th 2016
- 2) Letter from Public Defenders Office regarding release of discovery materials January 31st 2017
- 3) Psychiatric Evaluation from Nebraska Medical Center
- 4) Outpatient Evaluation from Alegent Health
- 5) Pretrial Services Report
- 6) Copy of the Original Indictment
- 7) Progression Order from October 26th 2016
- 8) Entry of Appearance of Counsel January 26th 2017
- 9) Motion to Continue, January 26th 2017
- 10) Order of the Court, January 31st 2017
- 11) Affidavit of Cody Childers, February 2nd 20017
- 12) Plea Agreement, March 14th 2017
- 13) Petition to Enter Plea, March 14th 2017
- 14) Presentence Investigation Report, June 2nd 2017
- 15) Objection to PSR June 12th 2017
- 16) Revised PSR, June 20th 2017
- 17) Sentencing Recommendation, July 17th 2017
- 18) Statement of Reasons July 24th 2017

I have been advised by the Counsel of Discipline to comply with the request by the U.S. Attorneys' office to NOT GIVE OUT THE DISCOVERY MATERIALS TO MY CLIENT. Therefore, the enclosed documents are all I am authorized to provide. If you have retained or appointed counsel, I would make any additional requests for material through them. I wish you the best of luck.

Very truly yours,

Jerry J. Sena

⇨29702-047⇨

Cody Childers
29702047
Federal Correctional Institution
P.O. Box 5000
Pekin, IL 61555
United States

RECEIVED

MAY 21 2018

FCI PEKIN ⇨29702-047⇨
MAIL ROOM

Robert F Rossiter Jr.
Federal Judge
1152 S 18TH PLZ
Suite
Omaha, NE 68102
United States

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MAY 24 2018

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